

CRIMINAL OFFENSES AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the imposition of an indeterminate prison term for certain criminal offenses.

Highlighted Provisions:

This bill:

- ▶ requires an indeterminate prison term to be imposed for certain attempt convictions;
- and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-3-406, as last amended by Laws of Utah 2023, Chapter 184

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-3-406** is amended to read:

76-3-406. Crimes for which probation, suspension of sentence, lower category of offense, or hospitalization may not be granted.



28 (1) Notwithstanding Sections 76-3-201 and 77-18-105 and Title 77, Chapter 16a,
29 Commitment and Treatment of Individuals with a Mental Condition, and except as provided in
30 Section 76-5-406.5 or Subsection 77-16a-103(6) or (7), a court may not grant probation [~~may~~
31 ~~not be granted~~], suspend the execution or imposition of a sentence, [~~may not be suspended, the~~
32 ~~court may not~~] enter a judgment for a lower category of offense, [~~and~~] or order hospitalization
33 [~~may not be ordered~~], if the effect of which would in any way shorten the prison sentence for
34 an individual who commits, or attempts to commit, a capital felony or a first degree felony
35 involving:

- 36 (a) Section 76-5-202, aggravated murder;
37 (b) Section 76-5-203, murder;
38 (c) Section 76-5-301.1, child kidnaping;
39 (d) Section 76-5-302, aggravated kidnaping;
40 (e) Section 76-5-402, rape, if the individual is sentenced under Subsection
41 76-5-402(3)(b), (3)(c), or (4);
42 (f) Section 76-5-402.1, rape of a child;
43 (g) Section 76-5-402.2, object rape, if the individual is sentenced under Subsection
44 76-5-402.2(3)(b), (3)(c), or (4);
45 (h) Section 76-5-402.3, object rape of a child;
46 (i) Section 76-5-403, forcible sodomy, if the individual is sentenced under Subsection
47 76-5-403(3)(b), (3)(c), or (4);
48 (j) Section 76-5-403.1, sodomy on a child;
49 (k) Section 76-5-404, forcible sexual abuse, if the individual is sentenced under
50 Subsection 76-5-404(3)(b)(i) or (ii);
51 (l) Section 76-5-404.3, aggravated sexual abuse of a child; or
52 (m) Section 76-5-405, aggravated sexual assault[~~;~~~~or~~].
53 [~~(n) any attempt to commit a felony listed in Subsection (1)(f), (h), or (j).~~]
54 (2) Except for an offense before the district court in accordance with Section 80-6-502
55 or 80-6-504, the provisions of this section do not apply if the sentencing court finds that the
56 defendant:
57 (a) was under 18 years old at the time of the offense; and
58 (b) could have been adjudicated in the juvenile court but for the delayed reporting or

59 delayed filing of the information.

60 Section 2. **Effective date.**

61 This bill takes effect on May 1, 2024.